Justice

ACCOUNTABILITY STATEMENT

This Business Plan for the three years commencing April 1, 2001 was prepared under my direction in accordance with the *Government Accountability Act* and the government's accounting policies. All of the government's policy decisions as at April 3, 2001 with material economic or fiscal implications of which I am aware have been considered in preparing the Business Plan.

The Ministry's priorities outlined in the Business Plan were developed in the context of the government's business and fiscal plans. I am committed to achieving the planned results laid out in this Business Plan.

[ORIGINAL SIGNED]

David Hancock, *Minister of Justice and Attorney General*
April 10, 2001

102-03633/

INTRODUCTION

Living, working and raising their families in safe communities is a top priority for Albertans and their provincial government. Through the goals and strategies of this 2001-2004 Business Plan, Alberta Justice remains committed to building a justice system that is efficient, effective and responsive to the needs of all Albertans. The direction Albertans provided us at the Justice Summit in 1999 continues to be the focus of the business plan. Through recent efforts to enhance community partnerships, protect victims, support the needs of families and children, and improve public knowledge and awareness, Alberta Justice has already implemented several key recommendations from the summit. We will continue to consult with the public and will consider their input in developing future goals.

During the next three years, Alberta Justice will continue to find ways to improve the way we do business and make the best use of resources. We will strengthen our partnerships with the judiciary, the legal community, Aboriginal people and our stakeholders in policing, community organizations, and local governments.

PLANNING ENVIRONMENT

Alberta Justice has considered the following environmental factors in setting out our strategic objectives for 2001-04:

Social and Economic Change: Common-law and single-parent families increased 22% and 12% between 1991 and 1996. More children are experiencing parental separation and growing up in non-traditional families. These trends will continue to contribute to an increase in the number of people accessing family courts, mediation services and parenting after separation courses.

Alberta's strong and vibrant economy continues to attract new residents from all over the world. Our cosmopolitan society is made up of many cultures and languages. It is important that the justice system be available, understandable and more sensitive to cultural diversity.

Demographics: Canada's population is aging. As life spans increase, so does the proportion of elderly who have a heightened susceptibility to and fear of crime.

Canada's Aboriginal population is growing twice as fast as the country's total population and it is proportionally younger. Between 2000 and 2011, the Aboriginal population is projected to increase by 22%, versus 12% for Alberta's total population. In Alberta, Aboriginal people represent approximately 6% of the total population and 36% of the prison population. Alberta Justice will work with the Alberta Solicitor General to address the challenge of delivering services to Aboriginal people that will support community development and reduce the number of Aboriginal people coming into conflict with the law.

Alberta Justice will work with other stakeholders to promote safe Aboriginal communities, and will partner with municipalities, non-governmental organizations, other government departments, Aboriginal peoples, and organizations to deal with urban Aboriginal issues.

Justice is a Shared Responsibility: Justice is a shared responsibility between federal and provincial governments. While the provincial Legislature is responsible for the administration of justice, the federal Parliament is mainly responsible for criminal law. The provincial and federal governments must work together to provide Canadians with a safe and secure country. However, federal legislation as well as judicial decisions can impose new

obligations on the ministry that must be managed. In addition, the courts are constitutionally independent entities and both federal and provincial governments have a responsibility to provide the necessary resources for their effective administration.

Public Confidence: Public confidence in the Ministry of Justice drops as the public's fear of crime increases. There is more widespread and immediate access to crime event information through the media, which in turn increases the fear of crime. There was a 3.3% decrease in the violent crime rate and a 3.5% drop in the property crime rate between 1998 and 1999. Although Alberta's crime rates remain the lowest in western Canada, there remains a public perception that crime rates are rising. In addition, increasingly complex criminal and civil cases require greater time and resources to resolve. Alberta Justice must, through the many programs and services that it provides, continue to promote the public's confidence in the justice system.

Technology and Globalization: Technology has facilitated the rapid movement of people, capital and information. While this has resulted in a global economy, it has also produced crime that is global in scope. The challenge for the ministry will be to partner with national and international enforcement agencies to produce a credible response to complex global economic and organized crime. New technology also creates opportunities for innovative approaches to increase accessibility and improve the efficiency of the justice system in Alberta. The cost of implementation is a hurdle that must be overcome.

ALBERTA JUSTICE VISION, MISSION AND CORE BUSINESSES

Our vision is a democratic and prosperous Alberta based on respect for the law, where all Albertans are safe in their homes and communities and have confidence in the justice system, and where disputes are resolved fairly and effectively.

Our mission is to serve Albertans by promoting safe communities, by ensuring access to the courts and other methods of dispute resolution, by providing legal and related strategic services to the Government of Alberta, and by communicating with Albertans about the administration of justice.

CORE BUSINESSES

The following core businesses are intended to reflect the primary responsibilities of the ministry and those organizations that report to the Minister:

- ***Prosecutions:*** prosecute criminal and other offences, giving priority to the prosecution of serious and violent crime.
- ***Courts:*** provide Albertans access to the courts and other dispute resolution processes.
- ***Legal Services to Government:*** provide excellent corporate advice and legal services to government ministries.
- ***Legal Services for Vulnerable Albertans:*** provide support and protection to some of Alberta's most vulnerable citizens, such as families who depend on court-ordered maintenance payments, individuals unable to protect their financial interests, and individuals who cannot afford legal counsel.

Successful implementation of the ministry's strategic objectives requires the coordinated interaction of our core businesses. In addition, we recognize that safe communities are a shared responsibility and, over the next three years, we will be working to develop and

enhance the partnerships required to achieve results in each of these core business functions, as well as working through education and communication strategies to improve public knowledge and understanding about the administration of justice.

ALBERTA JUSTICE BUSINESS FRAMEWORK

OUR STRATEGIC OBJECTIVES
2001 - 2004
Corporate Strategies & Partnerships
GOALS
To provide effective legal services to the Government of Alberta
CORE BUSINESSES
To provide access to justice services for persons in need
Legal Services to Government
MISSION & VISION
Enhanced Role for Victims
Courts
Prosecutions
Legal Services for Vulnerable Persons
Support for Families
To ensure victims have a more meaningful role in the criminal justice system
To improve access to civil and criminal justice
Community Justice Approaches
Promotes safe communities in Alberta
First Nations Justice Initiatives
Access to Justice & Cost of Administering Justice
ALBERTANS' PRIORITIES
Improve Public Knowledge, Education and Awareness
Simplify the Justice System
Increase Sensitivity and Cultural Awareness
Enhance Community Partnerships
Increase the Role of Victims
Clarify Accountability
Take Action on Previous Studies and Reports on Justice
Increase Funding
Create Alternatives in the Youth Justice System
PLANNING ENVIRONMENT
Social and Economic Change
Demographics
Justice as a Shared Responsibility
Public Confidence
Technology and Globalization
March 23, 2001

GOALS AND STRATEGIC OBJECTIVES

GOALS

In delivering our core businesses, Alberta Justice is committed to fulfilling its vision, mission and mandate through five business plan goals. The Alberta Government's priority is preserving a safe society for Albertans where justice prevails.

1. **Promote safe communities in Alberta.**

   Albertans have told us that they want peaceful communities in which they can live, work and raise families in safety and security without fear of crime or victimization. While each goal is important, virtually everything Justice does is tested against this goal.

2. **Ensure victims have a more meaningful role in the criminal justice system.**

   Recognizing the needs of the victim in the criminal justice system helps restore the balance of society in a humane and fair way and is an important goal of our justice system. Helping victims achieve closure is an essential part of restoring their feeling of

safety in the community. Alberta Justice is committed to providing effective services to victims of crime and expanding the role of the victim in the criminal justice system.

3. **Provide access to justice services for Albertans in need.**

   Albertans require access to a broad range of justice services including courts, prosecutorial services and appropriate dispute resolution mechanisms. In addition, services such as maintenance enforcement, estate and trust administration services, victim assistance, and legal aid are an important part of preserving a safe society for Albertans where justice prevails.

4. **Improve access to civil and criminal justice.**

   The justice system is responsible for providing the infrastructure to resolve criminal and civil disputes. This includes the provision of court resources; scheduling mechanisms; prosecutorial services and appropriate dispute resolution mechanisms. Where appropriate, mediation, judicial dispute resolution and mini-trials are used as alternatives to the traditional court process, and by speeding up the process and lowering costs, they can improve access.

5. **Provide effective legal services to the Government of Alberta.**

   The government performs a number of roles as service provider, community partner and lawmaker. These roles involve relationships with individuals, families, communities, businesses and other governments. Effective legal services reduce the potential for conflict involving the government and protect and advance the interests of the government. By providing strategic corporate advice, Justice can assist other ministries in achieving their policy objectives, while minimizing conflict and constitutional questions.

STRATEGIC OBJECTIVES

For this planning period, Alberta Justice will focus on a number of key strategic objectives, which will improve the delivery of our core businesses in a manner that honors the priorities of Albertans. These strategic objectives are:

Access to Justice and Cost of Administering Justice:
Albertans have expressed strong views about the functioning of the courts and trials process. They are of the view that the complexity of the present justice system results in court delays; victims should have a more meaningful role; the system should move to a more restorative approach which would make offenders more directly accountable to the community and to the individuals victimized by the crime; and accessibility of the justice system for family law matters should be simplified.

Access to Justice and Cost of Administering Justice is one of the principal means by which we will achieve ***Goal 3*** *– To provide access to justice services for Albertans in need; and* ***Goal 4*** *– To improve access to civil and criminal justice.*

Early Case Resolution: The anticipated outcome of this strategic objective is earlier case resolution and improved services, consistent with the constitutional obligations of the province to provide for the courts in Alberta. Resolution may include a restorative form of diversion, an alternative measure or an early guilty plea. This strategy will be accomplished in part by having experienced Crown Prosecutors at the earliest possible time:

- Screen police reports to determine if the case meets the criteria for prosecution and, if so, whether an alternative measure or other restorative approach is appropriate.

- Assess the appropriate resolution of those cases that are to proceed in the court system and pursue the possibility of an early guilty plea or the reduction of unnecessary witness attendance through discussions with defense counsel.

Alternative Dispute Resolution: Public confidence in the justice system also depends upon providing access to citizens for the resolution of civil disputes. Currently, mediation programs operate in Provincial Court, Civil Division in Edmonton and Calgary. The Court of Queen's Bench, and Provincial Court, Family and Youth Division, are currently providing Judicial Dispute Resolution processes, which allow many parties to settle their cases without a trial.

Legal Aid: There are two planned initiatives that will be put in place by Legal Aid.

- Expansion of the financial eligibility guidelines so that legal aid will be accessible to more Albertans; and
- Establishment of a Family Law Staff Counsel Pilot Project in Edmonton and Calgary, which will provide quality legal services to eligible legal aid applicants in the family law areas currently provided by Legal Aid.

Improving Public Understanding and Knowledge about the Justice System: The Justice Summit repeatedly highlighted the need to improve communication with the public regarding the administration of justice. It recommended that greater efforts be made to ensure that citizens understand how their justice system works, and why and how decisions are made by the various components of the system.

An education strategy will identify gaps in current programs and resources aimed at helping Albertans understand the justice system, and develop and implement strategies that address some of these needs in partnership with our justice stakeholders.

Justice will also continue to expand the education material in their comprehensive web site which was introduced in 2000.

Over the period of this plan, Alberta Justice will complete policy development work and make a recommendation to government with respect to class action legislation that would provide procedural rules to allow for multiple plaintiffs or defendants in one action, while safeguarding against proliferation of actions. Alberta Justice will also recommend that an updated, modernized Act be brought forward to replace the current *Public Trustee Act*, and that amendments be made to the *Trustee Act* to adopt the "prudent investor" rule. Proposals for a comprehensive set of procedural rules for administrative tribunals will be developed. As well, Alberta Justice will bring forward proposals for an Act providing for streamlined procedures for recognizing judgments from other Canadian jurisdictions and a more restrictive regime for recognition of foreign judgments, and determining jurisdiction over a case capable of being heard in more than one jurisdiction.

Support for Families:
Family law principles should be easily understood and responsive to the needs of Alberta families. As well, these principles should be readily available for application and enforcement.

Improving support for families through family law reform and services contributes to the achievement of Goal 4 by improving access to civil justice.

- Through a process of review and multi-level consultation, reforms to family law, the court structure and process will be proposed. A Unified Family Court Task Force has made

recommendations for improvements to the existing family court system and how services can be most effectively linked to it.

- Justice will continue to work with the Ministry of Children's Services to ensure that the Maintenance Enforcement Program, family mediation services and other child focused programs continue to provide children with timely and appropriate assistance. Family Mediation Services will be expanded in the upcoming year.
- As part of its ongoing commitment to work with other ministries to address family violence, Alberta Justice will continue to participate in the Calgary Domestic Violence Court pilot project, and support other initiatives around the province. Alberta Justice will also collaborate with other ministries to support the Alberta Mental Health Board as they develop and implement a provincial framework to address the treatment needs of perpetrators of family violence.

Alberta Justice will bring forward proposals for a *Family Law Reform Act* consolidating and amending Alberta family law to make it more accessible and relevant to Albertans and will review legislation to implement changes to Family Courts if necessary.

Enhanced Role for Victims:
The Summit recommended that victims become more involved in all stages of the resolution of a criminal act. Where appropriate, and where the victim voluntarily participates, the community justice process will involve the offender and will provide the victim with an opportunity for closure and healing.

*Enhanced involvement of victims in the criminal justice process is a principal means by which we will achieve **Goal 2** - To ensure victims have a more meaningful role in the criminal justice system.*

- Public Assistance Units: To ensure that victims have a more meaningful role in the early case disposition initiative and in the conduct of prosecutions generally, Crown Offices are establishing specialized public assistance units where appropriate. The units will provide information, referrals and assistance with victims' needs, including restitution and victim impact statements.

Alberta Justice will develop policy and make recommendations for an Act to provide for a civil process to provide restitution to victims from gains from unlawful activity.

Community Justice Approaches:
Delegates at the Summit on Justice acknowledged that prison sentences for certain types of crime are an effective and necessary option. However, they also recommended that increased effort should be made to hold offenders directly accountable, through the use of "restorative justice" processes, to the community and the individuals who have been harmed by their actions.

*Community Justice Approaches are some of the principal means by which we will achieve **Goal 2** - To ensure victims have a more meaningful role in the criminal justice system; and **Goal 4** - To improve access to civil and criminal justice.*

- A new Community Justice Policy commits Alberta Justice to working in partnership with all stakeholders and other government ministries to make restorative justice options more widely available in the province. This policy enhances the Serious and Violent Crime Initiative by providing more opportunities for victims, should they choose, to become more directly involved in the criminal justice process and by providing more options for offenders to take responsibility for their actions.

- The victims and perpetrators of family violence will receive focussed attention in the pilot Calgary Family Court Initiative. Court, judicial, prosecutorial, enforcement and treatment resources are dedicated to the issue of family violence and outcomes will be monitored to gauge effectiveness.

First Nations Justice Initiatives:
It has been a long-term objective of Alberta Justice to enable First Nations to address community law and order concerns. In this respect the Summit has noted, and the ministry agrees, that First Nations should ultimately provide services to their communities that are comparable to other similar communities in the province.

*First Nations Justice Initiatives is one of the principal means by which we will achieve **Goal 1** - To promote safe communities in Alberta; and **Goal 2** - To ensure victims have a more meaningful role in the criminal justice system.*

- Alberta Justice will continue to promote culturally sensitive approaches to prosecutions. This will include developing the mandate of native liaison prosecutors in the coming year, enhancing existing aboriginal awareness programs and improving the access of these programs to staff involved in conducting prosecutions.
- Continue to support court initiatives (Tsuu T'ina Nation Court Initiative, Aboriginal Judges, Sikiska Nation – and others).

PERFORMANCE MEASURES

We continue to work on improving our business plan performance measures. This work includes finding better ways to measure achievement of desired outcomes through both qualitative and quantitative analyses. The following performance measures will reflect the results achieved for each of the ministry's business plan goals.* Targets for 2001-02 have not been adjusted from 2000-01 levels where performance is viewed as being at an appropriate level of excellence, and maintaining the current level of performance represents a significant challenge for the ministry.

* In the following tables, actual results are reported for the years 1997-98, 1998-99 and 1999-00. For 2000-01 the number reported is the target that was set in the 2000-01 Business Plan. At the time when the 2000-01 targets were set, the most recent actual figures available were from 1998-99. This accounts for some of the historical variation in numbers.

GOAL 1: PROMOTE SAFE COMMUNITIES IN ALBERTA

Performance Measure: To be developed.

GOAL 2: ENSURE VICTIMS HAVE A MORE MEANINGFUL ROLE IN THE CRIMINAL JUSTICE SYSTEM

Performance Measure: To be developed.

GOAL 3: PROVIDE ACCESS TO JUSTICE SERVICES FOR ALBERTANS IN NEED

Performance Measure: The amount collected on Maintenance Enforcement Program files.

The fundamental objective of the program is to collect court ordered child maintenance for clients. Dollars collected per file is a reasonable indicator of the program's effectiveness in this regard.

1997-1998	1998-1999	1999-2000	2000-2001 Target	2001-2002 Target
$2,931.16	$2,912.00	$3,025.00	$3,010.00	$3,025.00

Performance Measure: Client satisfaction with the Services of the Public Trustee's Office

This measures client satisfaction with services provided by the Public Trustee's Office. It is defined as the percentage of "satisfied" to "very satisfied" clientele from a survey conducted by the Public Trustee.

1997-1998	1998-1999	1999-2000	2000-2001 Target	2001-2002 Target
86%	88%	85%	85%	85%

Performance Measure: Number of Eligible Albertans Receiving Legal Aid Services

Legal aid volume measures the demand for legal aid. It is defined as the number of eligible people receiving legal aid services. The Legal Aid Society collects and analyzes data for this measure.

1997-1998	1998-1999	1999-2000	2000-2001 Target	2001-2002 Target
86,985	91,597	97,256	94,177	105,968

GOAL 4: IMPROVE ACCESS TO CIVIL AND CRIMINAL JUSTICE

Performance Measure: Median Elapsed Time from First to Last Appearance

This measures the median elapsed time in days that it takes to process a case in Provincial Criminal Court from first to last appearance. Time to trial has been negatively impacted by increased volumes and greater case complexity. Performance data for this measure is obtained from the Adult Criminal Court Survey, Canadian Centre for Justice Statistics.

1997-1998	1998-1999*	1999-2000 Target*	2000-2001 Target*	2001-2002 Target*
76	80	Canadian Median	Canadian Median	Canadian Median

* The 1998-99 national median elapsed time was 84 days. National data for 1999-2000 is not available at this time.

GOAL 5: PROVIDE EFFECTIVE LEGAL SERVICES TO THE GOVERNMENT OF ALBERTA

Performance Measure: Client Satisfaction with Legal Services

This measures the level of satisfaction that client ministries have with the legal services of Alberta Justice. The data is obtained from surveys conducted by Legal Services Division.

1997-1998	1998-1999	1999-2000	2000-2001 Target	2001-2002 Target
92%	90%	95%	90%	95%

KEY CROSS MINISTRY INITIATIVES AND CORPORATE STRATEGIES

Alberta Justice has identified several ministry-wide corporate strategies to develop effective support mechanisms to facilitate the achievement of Justice business plan goals. In addition, Alberta Justice is a partner with shared responsibilities within the government in many initiatives that seek to improve the quality of services to the public in areas not traditionally associated with the administration of justice. We will continue to champion or participate in collaborative efforts that support government-wide initiatives.

Aboriginal Policy Initiative: The economic and social well being of Aboriginal people and communities in Alberta does not compare favourably with that of other Albertans. These factors contribute to the over-representation of Aboriginal people in the criminal justice system, as victims and offenders. Alberta Justice, as a co-champion of the cross ministry priority Aboriginal Policy Initiative, will work with other ministries to develop targets and strategies that promote safe Aboriginal communities, and support economic and social stability through capacity building and self-reliance initiatives.

Children and Youth Services Initiative: Alberta Justice will work towards implementation of the recommendations arising from the Children's Forum and the Premier's Task Force on Children at Risk. Alberta Justice will vigorously defend the Protection of Children Involved in Prostitution Act and provide ongoing family law support to the Child and Family Services Authorities.

Three-Year Legislative Plan: Alberta Justice will bring forward proposals for family law legislation as recommended by MLA committee; review recommendations for legislative changes contained in reports of the Alberta Law Reform Institute and the Uniform Law Conference; and review legislation administered by Alberta Justice to ensure that legislation continues to be relevant and necessary.

Human Resource Strategies: Alberta Justice will ensure appropriate linkages between corporate direction and ministry implementation. The ministry human resource plan will address both achievement bonus criteria and corporate human resource plan goals. The measurement criteria will be based upon the provision of supports and strategies for continuous learning, the use of effective performance management processes, the implementation of leadership development and continuity strategies, employee satisfaction data and effective processes for management of change and reorganization. Additional priorities will include classification and collective bargaining as well as the employee human resource self-service project, AGent.

Information Management: In order that an effective information management system is in place to support the mandate of Alberta Justice, the following steps will be undertaken. An overall data architecture will be prepared. Alberta Justice will work with other Alberta government ministries and national organizations to ensure that our management information conforms to provincial and national standards. Alberta Justice will continue the process of consolidating a collection of separately designed, loosely interfaced systems to a more integrated suite of systems where data is stored more consistently and without redundancies. The resulting information management system will have the flexibility to analyze and understand new and emerging issues.

Expense by Core Business

(thousands of dollars)

	Comparable 1999-2000 Actual	Comparable 2000-01 Budget	Comparable 2000-01 Prelim. Actual	2001-02 Estimates	2002-03 Target	2003-04 Target
EXPENSE						
Core Business						
Courts	85,832	106,772	106,766	89,262	90,243	92,445
Legal Services to Vulnerable Persons	66,739	74,634	74,630	81,683	82,500	84,182
Prosecutions	25,832	28,863	28,862	29,111	29,586	30,303
Legal Services to Government	17,699	18,942	18,942	20,233	20,519	20,940
MINISTRY EXPENSE	196,102	229,211	229,200	220,289	222,848	227,870

Ministry Statement of Operations

(thousands of dollars)

	Comparable 1999-2000 Actual	Comparable 2000-01 Budget	Comparable 2000-01 Prelim. Actual	2001-02 Estimates	2002-03 Target	2003-04 Target
REVENUE						
Transfers from Government of Canada	8,158	7,944	7,964	8,158	8,135	6,855
Investment Income	307	325	325	325	325	325
Premiums, Fees and Licences	34,857	28,274	30,116	30,161	30,187	30,202
Other Revenue	43,253	63,547	58,872	42,697	42,697	42,697
MINISTRY REVENUE	86,575	100,090	97,277	81,341	81,344	80,079
EXPENSE						
Program						
Ministry Support Services	11,053	13,620	13,615	12,546	12,550	12,719
Court Services	80,625	100,157	100,157	84,027	85,010	87,134
Legal Services	49,541	53,315	53,315	56,640	56,605	57,794
Support for Legal Aid	20,742	22,542	22,542	27,242	28,642	29,942
Public Trustee	6,911	7,272	7,272	7,433	7,584	7,797
Medical Examiner	3,908	4,138	4,138	4,441	4,490	4,511
Motor Vehicle Accident Claims	22,388	27,588	27,588	27,587	27,594	27,600
Valuation Adjustments and Other Provisions	844	573	573	373	373	373
MINISTRY EXPENSE	196,102	229,211	229,200	220,289	222,848	227,870
Gain (Loss) on Disposal of Capital Assets	-	-	-	-	-	-
NET OPERATING RESULT	(109,527)	(129,121)	(131,923)	(138,948)	(141,504)	(147,791)

Consolidated Net Operating Result

(thousands of dollars)

	Comparable 1999-2000 Actual	Comparable 2000-01 Budget	Comparable 2000-01 Prelim. Actual	2001-02 Estimates	2002-03 Target	2003-04 Target
Ministry Revenue	86,575	100,090	97,277	81,341	81,344	80,079
Inter-ministry consolidation adjustments	-	-	-	-	-	-
Consolidated Revenue	86,575	100,090	97,277	81,341	81,344	80,079
Ministry Program Expense	196,102	229,211	229,200	220,289	222,848	227,870
Inter-ministry consolidation adjustments	-	-	-	-	-	-
Consolidated Program Expense	**196,102**	**229,211**	**229,200**	**220,289**	**222,848**	**227,870**
Gain (Loss) on Disposal of Capital Assets	-	-	-	-	-	-
CONSOLIDATED NET OPERATING RESULT	(109,527)	(129,121)	(131,923)	(138,948)	(141,504)	(147,791)